

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

Jimmy L. Rogers,

Plaintiff,

v.

Warden Ricky Bell, et al.

Defendants.

Case No. 3:09-cv-0821

Judge William J. Haynes, Jr.

Jury Demand

DEFENDANTS' MOTION TO DISMISS FOR  
FAILURE TO PROSECUTE

Defendants, Commissioner Gayle Ray, Warden Ricky Bell, Rhonda

Abele, Corporal Robert Mosely and Vicki Hall, hereby move for dismissal of the instant case for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b). Dismissal is appropriate because the plaintiff has failed to prosecute this case.

Federal Rule of Civil Procedure 41(b) provides for dismissal of cases in which the plaintiff fails to prosecute his case or comply with a court order. In this case, the plaintiff has not taken any material action to move this case to disposition since his Motion for Declaration for Entry of Default was filed on November 5, 2009. (D.E. 29). The plaintiff did send a letter to the Court on